

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANDRE CRAWFORD,	:	Case No. C1-01-014
Petitioner,	:	
	:	
v.	:	Judge Susan J. Dlott
	:	Magistrate Judge Jack Sherman
	:	
JEFFREY A. WOLFE, WARDEN,	:	
Respondent.	:	

MOTION TO DISMISS

Now comes Respondent, by and through undersigned counsel, and respectfully moves this Honorable Court for an Order dismissing this action following compliance with the Court's prior Order.

On June 11, 2003, this federal habeas court adopted the Report and Recommendation of the Magistrate Judge and issued a conditional writ of habeas corpus granting Petitioner's release from incarceration, unless the Ohio Court of Appeals for the First Appellate District granted leave to file a delayed appeal from the judgment of conviction and sentence in Hamilton County Court of Common Pleas Case No. B-9807305. (Doc. 12). Petitioner, through counsel, filed a motion for leave to file a delayed appeal, which was granted on August 8, 2003, within this Court's sixty (60) day mandate. Additionally, the state appellate court has provided a transcript

of proceedings at State expense and appointed Assistant State Public Defender Lisa Fields Thompson, for purpose of appeal. (Exhibit A). On August 14, 2003, the state appellate court issued a briefing schedule. (Exhibit B). Assistant State Public Defender James R. Foley has since entered an appearance as counsel of record. (Exhibit C).

Inasmuch as the Ohio Court of Appeals for the First Appellate District has granted Petitioner leave to file a delayed appeal from the judgment of conviction and sentence in Hamilton County Court of Common Pleas Case No. B-9807305, Respondent now moves this Honorable Court for an Order dismissing the instant action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Motion to Dismiss* was filed electronically, and a copy was sent by regular, first-class mail to, Counsel for Petitioner, Lisa Fields Thompson and James R. Foley, Assistant State Public Defenders, 8 East Long Street, 11th Floor, Columbus, Ohio 43215, on the 3rd day of September, 2003.

s/ BRUCE D. HERRIGAN
Bruce D. Herrigan